

# Libby Community Advisory Group

## Meeting Summary

### January 8, 2009

#### Introductions

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. A list of the members in attendance is attached below as Appendix 1.

#### Agenda

The CAG agreed to the following agenda for this meeting:

- Old Business
  - Update on the State Funding Effort
  - Status of the Funding Opportunity Announcement for the ATSDR Libby Amphibole Health Research Initiative
  - Joint CAG/TAG meeting
  - Letter to Senator Baucus
  - Public Health Emergency
- New Business
  - CAG member concerns and priorities
  - Presentation by Gordon Sullivan
- Agency Reports
- Public Comment
- Next Meeting Agenda

#### Update on the State Funding Effort

Bill Patten and Tanis Hernandez reported on the effort to seek funding from this legislative session to support the Libby Asbestos Medical Plan (LAMP) and Asbestos-Related Disease Network (ARDNet) programs. With the support of the CAG at its last meeting and of the board of directors of CARD Clinic and of St. John's Lutheran Hospital, Mr. Patten drafted a letter from the CAG to Governor Schweitzer asking him to include in his budget for the coming biennium \$3.25 million for LAMP and ARDNet. Individual CAG members signed this letter before it was mailed. Mr. Patten also drafted a press release about the CAG's request to the governor which was sent to the local media. In addition to the letter, members of the Libby Committee signed a petition asking the governor to include this funding in his budget. Commissioner Marianne Roose will meet with Governor Schweitzer on Friday, January 9, 2009, to deliver the letter and fourteen pages of petition signatures. Representative Bennett has agreed to introduce legislation appropriating the \$3.25 million for LAMP and ARDNet if the governor will include this amount in his budget or support the bill.

*CAG Member Question - Is the present effort similar to Representative Vincent's bill in 2007?*

Answer - Rep. Vincent's bill did not pass in the 2007 legislature. One of the issues with the bill was limiting the appropriation to Libby. Great Falls would have qualified under the language of the bill, but it did not have a mechanism to accept the funding. Rep. Vincent made a commitment to his colleagues in 2007 not to seek funding again, so he will not carry the bill this year. Rep. Bennett will carry the bill if it is supported by the governor.

*CAG Member Question - Are we working with Great Falls this time?*

Answer - I am not aware of an effort to do so.

*Audience Member Comment - We should encourage everyone to sign the petition. It is available at locations in town including Mr. Hersman's store, Rocky Mountain Music.*

*CAG Member Comment - CAG members should commit to soliciting signatures on the petition.*

*CAG Member Question - Could someone email a copy of the petition to CAG members?*

Answer - Yes. We will email it to Mr. Mueller so that he can distribute it to the CAG.

*Audience Member Question - What is the deadline for submitting the bill?*

Answer - A bill request must be made by the tenth legislative day, which is January 16. The bill can be introduced after this.

*CAG Member Comment - People can also call the Governor's Office and Hal Harper at 1-800-322-2272 to support this funding.*

*Audience Member Comment - Several years ago, Montana's Attorney General came to Libby and told us that the state shared culpability for the decade long asbestos exposure of this community. The CAG should consider requesting funds to fund a lawsuit against the state.*

*CAG Member Comment - The legislature is the wrong place to seek funding for a lawsuit against the state. We need to make the case about the impact of asbestos-related disease treatment costs on the CARD, St. John's Lutheran Hospital and the rest of our medical community.*

*CAG Member Question - How much did St. John's Lutheran Hospital write off last year in uncollected medical charges?*

Answer - Last year the amount of our uncollected bills was \$1.7 million. We estimate that our total write off was 35% of our gross charges, amounting to about \$10 million.

*CAG Member Comment - Rural hospitals struggle for existence without a widespread toxic exposure. Individual people in our community are facing bankruptcy because of the costs resulting from their asbestos disease.*

Response - Unit costs for rural hospitals are higher. We have high fixed costs, but our volumes are lower. It is important that St. John's has been designated as a critical care facility because this designation allows us to bill actual costs rather than normal fee schedules.

*CAG Member Question - Do you know how much of the hospitals write offs were due to asbestos-related disease?*

Answer - No, it is difficult to track costs. Patient conditions may be exacerbated by asbestos disease.

*Audience Member Comment - Last year Governor Schweitzer told us that he would support another request for funding. The Western Montana News provided us with the Governor's quote.*

*CAG Member Comment - We should have community meetings to coordinate our efforts to get this funding.*

### **ATSDR Libby Amphibole Health Research Initiative**

Dan Strausbaugh with the Agency for Toxic Substance Disease Registry (ATSDR) provided an update on the status of the grant for the ATSDR Libby Amphibole Health Research Initiative. He stated that earlier this year when a number of ATSDR and EPA officials presented this topic to the CAG, the expectation was that an \$8 million funding opportunity announcement (FOA) would be released in November. This schedule has not been met. The Center for Disease Control (CDC) has not completed its review of the FOA. CDC's review of the FOA is now necessary before the ATSDR grant announcement can be released for publication. ATSDR does not control the schedule. ATSDR officials in Atlanta are inquiring about the CDC review, but we do not know when it will be completed.

*CAG Member Question - What can the CAG do to speed this process? Would a letter from the CAG help?*

Answer - The CAG should determine if/what action, is necessary.

*CAG Member Question - Will you find out to whom the CAG should send a letter?*

Answer - Yes.

*Audience Member Question - Is the \$8 million committed for this grant?*

Answer - Yes, ATSDR remains committed to funding this research initiative.

*CAG Member Question - Is this hung up in the change of federal administrations?*

Answer - I am not sure.

*CAG Member Comment - The CAG should send a letter inquiring about the status of this process to the person that Dan Strausbaugh identifies for us. We should mention the community's need for the research that would be funded.*

*Audience Member Question - Could the CARD receive a portion of the \$8 million?*

Answer - Not directly. The funds must be awarded to a qualified university or research institution. ATSDR has stated that the entity receiving the grant must partner with Libby entities such as the CARD and hospital. However, because the FOA has not been released, I cannot tell you what the specific qualifications for the grant will be.

*Audience Member Comment - Any entity receiving the grant will have to partner with the CARD and hospital to get access to the health data. Several universities have already made their interests in applying for the grant known to us.*

*Audience Member Question - Is the grant open to any university?*

Answer - The qualification required will be specified in the FOA. Responses will be judged on a competitive basis.

*CAG Member Question - Couldn't the CARD solicit responses to the grant proposal request?*

Answer - No. The entities must respond to the FOA.

*Audience Member Question - I recently read a news story that an organization at Research Triangle Park has received \$2 million to conduct rat inhalation studies. Will this funding come from the \$8 million?*

Answer - No. The inhalation studies are part of the EPA toxicology and epidemiology studies for the risk assessment and are funded separately from the ATSDR research grant.

*Audience Member Question - If the \$8 million is ATSDR funds, why is the CDC involved?*

Answer - ATSDR and CDC are separate organizations, but they share administration. Julie Gerberding heads both agencies.

*Audience Member Comment - When this effort was first described to us, we were given only 30 days to comment on it. The federal government is not held to any deadlines.*

***CAG Action - Those CAG members present at this meeting agreed to send a letter to the person that Dan Strausbaugh identifies inquiring about the status of the grant process. Gordon Sullivan agreed to write the first draft of the letter for review by Tanis Hernandez, Bill Patten, and Commissioner Berget. The draft letter will then be emailed to CAG members.***

### **Joint CAG/TAG Meeting**

Mike Noble, Chairman of the Libby Technical Advisory Group (TAG), reported that the TAG wants to postpone this joint meeting until March to allow time to invite agency officials including the EPA Region 8 Administrator and the state ATSDR Director to attend. Dr. Black will present CARD studies of the health effects from low levels of exposure to Libby amphibole asbestos at the joint meeting. A proposal for a meeting date and agenda will be made at the February CAG meeting.

*CAG Member Comment - The most important people to hear Dr. Black's presentation are the people in this community. We should schedule the meeting for them.*

Response - The meeting will have two important purposes, to convince the EPA and ATSDR agency heads to include CARD data in the research and to educate members of the Libby community.

### **Letter to Senator Baucus**

Gerald Mueller passed out copies of a modified version of DC Orr's draft prepared by Bill Patten. See Appendix 2. Mr. Orr discussed the comments received on his draft letter.

***CAG Action - Those CAG members present at this meeting agreed to Mr. Patten's draft with the following changes:***

- ***Strike the second use of "are" in the last sentence of the fourth paragraph of the first page.***
- ***Change the second sentence of the fifth paragraph to read, "ATSDR has acknowledged that the age at which first exposure occurs is a primary factor in asbestos related disease."***
- ***Change the last sentence of the first continued paragraph on the second page to read, "Many in our community feel that the similarities between the actions of WR Grace in the past and certain EPA Administrators and past decision makers are startling."***

- *Change the last sentence of the second completed paragraph on the second page to read, “With your assistance, we wish to explore our options regarding legal remedies available to us to address issues related the EPA (i.e., alleged incompetence and corruption of EPA Administrators and past decision makers).”*

*The CAG also directed Mr. Mueller to survey the members on his current list of CAG members to make sure that they wish to be listed as members.*

## **Public Health Emergency**

DC Orr discussed the letter dated October 10, 2008 that Susan Parker Bodine sent to Bill Patten in response to the CAG’s September 11, 2008 letter to EPA Administrator Johnson. Ms. Bodine’s October 10, 2008 letter is included below in Appendix 3. He stated that while he was not satisfied with Ms. Bodine’s response, he does not recommend responding to it. Instead, the CAG should wait until the new federal administration is in place and take up the declaration of the Public Health Emergency then.

*CAG Member Question - Ms. Bodine’s letter mentions redevelopment efforts at the Stimson Mill site that are not known to the general public. How did she get this information?*

*Answer by Ted Linnert - The information in the letter came from public sources including public meetings of the Kootenai Business Park Industrial District and newspaper stories.*

*CAG Member Comment - Letters like this cause a loss of respect for EPA. It is filled with inaccuracies. For example, EPA did not conceive of the Environmental Resource Specialist program.*

*Comment by Ted Linnert - I am concerned that the focus on the Public Health Declaration may not result in the money for health care that the community needs. Mr. Linnert passed out a copy of a letter of a letter dated June 20, 2003 from ATSDR Administrator Julie Gerberding to the CAG via Clinton Maynard. The letter stated in part:*

*HHS lacks the resources or the statutory authority to provide long-term healthcare services under CERCLA or any other existing federal legislation. However, EMS agencies, particularly ATSDR, have been able to provide appropriate public health services in Libby and at other Superfund sites nationally. EMS agencies will continue to provide critical public health support to the Libby community. A “Public Health Emergency” declaration under CERCLA will not change the agency’s planned activities, nor will it make additional funds available to ATSDR or HHS under existing appropriations.*

*Audience Member Comment - Section 9604 (i)(1)(D) of CERCLA states, “...in cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including but not limited to tissue sampling, chromosomal testing where appropriate, epidemiological studies, or any other assistance appropriate under the circumstances.” The “any other assistance” language would allow the federal agencies to help us with health care.*

*CAG Member Comment - The report prepared by the Majority Staff of the Environment and Public Works Committee entitled EPA’s Failure to Declare a Public Health Emergency in Libby.*

*Montana documents that EPA has the authority to declare a public health emergency and that the declaration is the fix that this community needs. A declaration is the key to more than just health care. Without it, the toxicology and epidemiology studies were delayed. Several EPA officials advocated for a declaration including Paul Peronard, Chris Weis, and Administrator Whitman. The Senate report documents how the declaration was halted at the last minute by the federal Budget Office. Copies of this report are available from Senator Baucus' Kalispell office. If you have not done so already, I recommend that you get a copy of this report and read it. CAG Member Comment - If the public health emergency declaration is not the vehicle we need to obtain asbestos-related health care for Libby, and then we need to know what is the right vehicle.*

## **New Business**

Because of a lack of time at this meeting, Mr. Mueller postponed consideration of the new business topics until the next meeting.

*Comment by Commissioner Berget - When I was campaigning, the message that I heard was the need for at least a quarterly update on EPA activities such as the risk assessment and the cleanups either at the CAG meetings or in a separate meeting.*

Response by Ted Linnert - EPA generally holds a town meeting about once a quarter. Victor Ketellapper plans to report on the 2009 construction activities in March and Rebecca Thomas will report on Operable Unit 1 (OU1) in February.

*CAG Member Comment - We need both dialogue within the CAG and EPA reports. At EPA town meetings, rarely do we get to ask questions and get our questions resolved. We need time to address technical questions. One way to improve this situation would be to submit questions in writing to EPA. Another way is to make use of the information at the EPA Information Center so that we can come to meetings prepared.*

## **Public Comment**

*CAG Member Comment - In 2000, W.R. Grace offered to purchase the OUI site for \$2 million. This opportunity was missed. The \$250 million fund could be used to remove the contamination at this site rather than capping it. A plan for operation and maintenance at OUI will be released in February.*

Response by Commissioner Berget - W.R. Grace did make a general offer, but specific details were not discussed. The minutes of the July 6, 2000 meeting of the City Council states that EPA decided that the property must be cleaned per its guidelines so W.R. Grace was not interested in purchasing the property. Although I am no longer the Mayor, my understanding is that the city is concerned about capping rather than removing vermiculite at this site. I am not ready to accept a cap on top of 18" of raw vermiculite.

Comment by DC Orr - The information that I supplied at the December CAG meeting included the following excerpt from the August 21, 2000 City Council minutes:

Alan Stringer and Katheryn Jarvis Coggon, representing WR Grace & Co. presented a proposal to purchase the Industrial Park property. Mrs. Coggon stated that WR Grace would be willing to purchase the Industrial Park property for \$2,000,000.00. If the city accepts their offer, WR Grace would continue with the clean up at the park as per the EPA requirements, but the buildings would be torn down.

*CAG Member Comment - We will need to scrutinize carefully the OUI Record of Decision (ROD) to determine how much of the vermiculite at depth is reasonable to remove.*

*CAG Member Comment - I am concerned with the idea of a qualitative rather than a quantitative risk assessment at OUI. Rivers change course. EPA has not considered the possibility of percolation at OUI. Perhaps we can accept a temporary cap but not a ROD now. After the ROD, we may need go back and fix problems with a cap.*

*CAG Member Comment - The community needs to get together and focus on the OUI operation and maintenance plan.*

*CAG Member Comment - At a city council meeting in 2006, the city was promised that it would have everything on OUI except for the contamination.*

*CAG Member Comment - When Governor Martz exercised the state's silver bullet, EPA promised to clean the site. The first ROD that the EPA will release apparently will propose a cap rather than clean up.*

*Audience Member Comment - The public will be allowed only a 30-day period to comment on the ROD when it is released. This short of a period will not be adequate. We need to change the legislation to allow for a longer comment period.*

Response by Ted Linnert - Before the ROD is released, the public will have the opportunity to comment on the Proposed Plan for remediating OU1. The comment period is 30 days, but it can be extended with a request from any citizen. EPA expects the comment period to be at least 60 days in this case.

*CAG Member Comment - We need to convene a group of community people to focus on issues in the OUI ROD before it is released.*

*Audience Member Comment - The public comment period at this meeting should be reserved for the public. It should not be used for additional discussion among CAG members.*

*CAG Member Comment – I am providing EPA written questions regarding OU1 that I would like to have included in the summary of this meeting. See Appendix 4 below.*

### **Next Meeting Agenda Topics**

The next meeting, will include the following topics:

- CAG member concerns and priorities.
- Scheduling the joint CAG/TAG meeting in March.
- Operation and Maintenance Plan for OU1.
- The designation of the public health emergency.
- Planted material at OU1.
- Agency reports.

**Next Meeting**

The next meeting is scheduled for 7:00 to 9:00 p.m. on February 12, 2009 in the Ponderosa Room of Libby City Hall.

**Appendix 1  
Libby CAG Meeting Attendance List  
January 8, 2009**

<b>Members</b>	<b>Group/Organization Represented</b>
Bill Patten	St. John's Lutheran Hospital
DC Orr	Libby Citizen
Gordon Sullivan	Self
Phillip Erquiaga	Self
Ted Linnert	EPA-Denver
Mike Cirian	EPA-Libby
Anthony Berget	County Commissioner
K.W. Maki	Libby Schools
Eileen Carney	Montana State Board of Respiratory Care Practitioners

Appendix 2  
**Community Advisory Group  
Libby, MT**

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January 8, 2009

Senator Max Baucus  
511 Hart Senate Office Building  
Washington DC 20510

Dear Senator Baucus:

The September 25, 2008 EPW hearing gives the people of Libby cause to pause and thank you once again for all you have done for us. You stand out in your obvious dedication on the issue of asbestos contamination in Libby. We acknowledge your dozens of personal visits to Libby, the countless man-hours of your staff's time, the many field hearings and investigations, all of which go above and beyond the call of duty! Please extend this thanks to your staff members Heather O'Laughlin, Bruce Fergusson, Paul Wilkins and Caroline Pihl. We would also like to note the efforts of EPW staff member Grant Cope.

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Because of your leadership and with your encouragement, the Libby CAG will continue to push for a declaration of a public health emergency. We believe you have done a great job explaining the political, financial, legal, and procedural ramifications of allowing the EPA to avoid this critical step in the process.

We were listening when you said, "let's get it right". This concept of the precautionary principle is echoed in many areas of public service. Medical people swear to "first, do no harm." Common sense urges us to "look before we leap" as it is better to "be safe than sorry." EPA regulations deal with this principle when they say their actions must be "protective of human health." Special interests often are at odds with this concept.

You have done your best to keep this cleanup on track; headlines attest to this fact. However, we fear that your public requests to hold our EPA officials accountable are not working. We believe stronger sanctions are needed to ensure that all of their actions are protect the local community and urge you to reinstate an Ombudsman Office

Exposures, which may present an acceptable risk in otherwise healthy populations, adversely affect the health of this community. ATSDR has acknowledged that the age at first exposure occurs is a primary factor in asbestos related disease. Our failures to properly protect this community will be expressed in the youngest and weakest among us.

These failures are avoidable! Allowing unfiltered mine water to be used to wash trucks is unsafe.

Ignoring contamination at the school is unconscionable. We believe the cleanup is not making the kind of progress this community needs. Many in our community feel that the similarities between the actions of WR Grace in the past and the EPA in the present are startling.

We are concerned that EPA officials publicly asking those who criticize this cleanup if they are advocating a halt to all cleanup activities is an unnecessary distraction. Our community has reached consensus on this point – we support a properly planned and executed cleanup effort. Please understand that those who criticize this cleanup project are simply asking that the cleanup be performed with appropriate and ethical oversight and that it include a transparent planning process that protects human health.

With your assistance, we wish to explore our options regarding legal remedies available to us to address issues related the EPA (i.e., alleged incompetence and corruption, etc.). Please let us know how your office can help.

We appreciate the support you have demonstrated in the past and trust that it will continue into the future.

Respectfully,

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Dr. Brad Black  
Lincoln County Health Officer

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Eileen Carney  
Montana State Board of Respiratory Care

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Mike Giesey  
Center for Asbestos Related Disease

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Kenny Hays  
Libby Senior Citizens

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David Latham, Editor  
The Montanian

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K.W. Maki  
Libby Public Schools

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Bill Patten  
St. Johns Lutheran Hospital

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DC Orr  
City of Libby Councilman

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Gary D. Swenson  
Libby Volunteer Fire Department

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Leroy Thom  
Former Grace Employee

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Tony Bergett  
Lincoln County Commissioner

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Gordon Sullivan

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Trenton Oelberg

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Phillip Erquiaga

**Appendix 3**  
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C. 20460**

OCT 10 2008

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Mr. Bill Patten  
Community Advisory Group Member  
St John's Lutheran Hospital, Inc.  
350 Louisiana Avenue  
Libby, Montana 59923

Dear Mr. Patten:

Thank you for your September 11, 2008 letter to Administrator Stephen L. Johnson expressing concerns about the Libby Asbestos site in Lincoln County, Montana. Administrator Johnson has asked me to respond on his behalf. I want to assure you that Libby has been, and will continue to be, one of the highest priorities of the Superfund program. The Administrator and I certainly share your concerns for the well-being of the citizens of Libby.

In your letter, you requested that the U.S. Environmental Protection Agency (EPA) declare a Public Health Emergency at the Libby site. As we have previously stated, EPA determined that it was not necessary to declare a public health emergency for EPA to remove Libby amphibole asbestos and lower exposure to Libby amphibole asbestos throughout Libby. EPA has removed vermiculite insulation that may result in additional exposure to Libby and Troy residents, as well as asbestos in other residential, commercial, and recreational areas. We continue to take aggressive response actions at targeted properties in Libby and Troy. The scope and timing of EPA's cleanup actions would not be different if a Public Health Emergency had been declared. The declaration of a Public Health Emergency would not have provided EPA additional funding, nor would it authorize EPA to provide health care services.

EPA and ATSDR have been working in collaboration to evaluate the public health consequences of community exposures to Libby amphibole asbestos and other similar fibers from Libby, Montana since 1999. After each had visited Libby, Administrator Johnson and Secretary Leavitt discussed their shared desire to find more opportunities to help the Libby community. That shared interest, in turn, led to the development of ATSDR's \$8 million Libby Amphibole Health Risk Initiative that was announced in June. The ATSDR Libby Amphibole Health Risk Initiative will support longer-term public health activities and research that will allow the public health community to better understand and manage the adverse health effects associated with exposure to Libby amphibole asbestos.

EPA is also supporting the Center for Asbestos Related Disease (CARD) clinic in Libby to help the CARD remain a critical platform to support future health related studies such as those

proposed under the ATSDR Initiative. EPA provided data entry staff and a nationally-recognized physician to work at the clinic to track, collect, and report human exposure data in connection to the epidemiological studies. EPA expects to continue to fund the CARD for these efforts through the next year. We understand that the ATSDR Initiative program will have the requirement for continuing working relationships with community organizations such as the CARD and St. John's Lutheran Hospital. EPA will also continue its community involvement efforts to address community public health concerns to the maximum extent possible.

To select final remedies that will provide long-term protection at the Libby site, EPA will complete a baseline risk assessment that includes exposure data and toxicity information. To ensure that EPA has all the information it needs to support a baseline risk assessment for Libby, in January 2007, EPA convened a group of more than 30 scientists from EPA, the Agency for Toxic Substances and Disease Registry (ATSDR) and the National Toxicology Program to identify data gaps and recommend additional studies. Based on the recommendations developed from the January 2007 meeting, the Agency has identified and is implementing a comprehensive program ("Libby Toxicity Assessment Action Plan") of 12 studies to support the development of the Libby toxicity assessment and four studies that support important Libby exposure assessment analytical needs. These studies are expected to take two more years to complete.

To develop additional information about potential exposure to amphibole asbestos, EPA expanded the boundary area for the Libby Outdoor Ambient Air Sampling Program. This program has been completed and a final report summarizing the results will be finished by December 2008. EPA has also conducted a series of Indoor and Outdoor Activity Based Sampling (ABS) studies on residential properties. The Activity Based Sampling is designed to evaluate the effectiveness of EPA's current property cleanup program, and will also provide asbestos exposure data needed for a complete baseline risk assessment. The first phase of the data collection for the Libby ABS studies on residential properties has been completed and we expect a final report in 2009.

A schedule for Records of Decision (RODs) at Libby is largely dependent on progress made on the exposure assessment and toxicity assessment work. However, we anticipate that RODs may be completed in a shorter timeframe at some of the former processing areas. If exposure pathways have been completely addressed, EPA's tentative schedule will address seven site areas (operable units) between 2009 and 2011. In the meantime, response actions at the site will continue and exposure assessment work will be completed.

As of September 30, 2008, EPA conducted clean up actions at a total of 1059 properties, and removed 590,000 cubic yards of material. EPA has conducted emergency removal actions at the Libby High School, the Libby Middle School, the Libby Administration Building, and the Plummer Elementary School grounds. Removal actions were taken at two former vermiculite processing facilities. EPA also addressed asbestos contamination at the vermiculite mine road and disposal areas, and removed contaminated material from community ball fields and has conducted sampling of area residences. EPA is also conducting cleanup activities in Troy, Montana, including a removal action at Troy High School. Removal actions will continue as needed to address immediate risks before the final remedies are selected and carried out at Libby.

To determine the extent of contamination in Libby from amphibole asbestos, EPA established a program to inspect all properties. To date, EPA or the Montana Department of Environmental Quality have screened through the Contaminant Screening Study (CSS) more than 4000 properties in Libby and through the Troy Asbestos Property Evaluation (TAPE) plan to screen more than 1200 properties in Troy for the presence of asbestos-containing materials. EPA also has collected additional remedial investigation data from the Export Plant and the Former Stimson Lumber Mill.

Ongoing Remedial investigations have discovered that portions of riprap used to stabilize the banks of at least three local creeks were quarried from a syenite formation at the former vermiculite mine. Field inspections and sampling conducted in 2007 identified Libby amphibole asbestos-bearing rocks in Flower Creek, Granite Creek, and Callahan Creek. Removal work began on the three creeks in August 2008 and should be completed by the beginning of November 2008.

Beginning in October 2006, EPA implemented the Environmental Resource Specialist (ERS) program for the entire site. This program was set up to assist with unplanned and urgent exposures to vermiculite attic insulation and Libby amphibole asbestos. The ERS program provides a full-time service where property owners, firemen, and other affected personnel or citizens can obtain access to Libby amphibole asbestos expertise outside of the normal course of scheduled clean-up actions. To date, EPA has assisted with more than 170 calls requesting assistance. Through this program, EPA has: 1) directly assisted the Fire Department in understanding Libby amphibole asbestos which helped them successfully obtain a \$250,000 grant for an additional set of turnout gear, a commercial washer and dryer, and a complete decontamination trailer; 2) provided 40 hour hazardous substance and 40 hour Asbestos Contractor/Supervisor training courses for local contractors and community members; and 3) excavated soils contaminated with Libby amphibole asbestos to prepare the area for the new City Pavilion being constructed on the site of the former Export Plant.

In 2008, EPA issued a \$20000 Brownfields Program grant to assist in redevelopment efforts for the Stimson Lumber Site. EPA is working in partnership with the Economic Development Authority, the Montana Department of Commerce and the citizens of Libby to revitalize the site. The goal of the project is to develop a strategy and market infrastructure that will make it easy for industry, businesses, and consumers to reduce the waste they generate, acquire and use recycled materials, and purchase products containing recycled materials. Potential projects at the site range from a co-generation facility, a small diameter Hew Saw mill, a pellet plant, the production of bio bricks, bio fuel production, and a wood to ethanol plant.

This summer, W.R. Grace paid EPA \$250 million, the highest sum in the history of the Superfund program, to pay the Federal government for the costs of the investigation and cleanup of asbestos contamination in Libby. The settlement was approved by the Federal Court on June 2, 2008. The W.R. Grace Settlement money must be used for expenditures related only to cleanup the Libby Asbestos Superfund Site, such as paying for future cleanup work, helping with the Operations and Maintenance (O&M) of the remedy, and paying for future site-specific investigations.

EPA has made every effort to be as transparent and informative as possible in our ongoing investigations and response actions with the Libby community. EPA maintains an information office in the town of Libby which is open to the public, and maintains a hotline and responds immediately to emergency releases of Libby amphibole. EPA regularly meets with your Community Advisory Group and meeting notes are posted on the Libby website. EPA also meets regularly with a number of other community groups including county and city elected officials, technical Assistance Grant recipients, the Asbestos Related Disease Network, the Montana State Department of Health and local public health providers.

I believe that the efforts I have outlined above demonstrate EPA's strong commitment to fulfilling EPA's cleanup mission on behalf of the citizens of Libby. EPA will continue to work with the Community Advisory Group and other Libby stakeholders to expeditiously complete the necessary cleanup work. Thank you for your strong interest in and support of this effort. If you have further questions, please contact me.

Sincerely,

Assistant Administrator

cc: Howard Frumpkin, Director of the National Center for Environmental Health/ATSDR

#### **Appendix 4**

##### Questions on the ROD at OU-1 (Export Plant)

When did EPA switch from removal, as stated in UAO and Work Plan, to containment?

Who presented this change of direction to the City, and when?

Who signed off on this change at the City?

What is the present timeline for the ROD on OU-1?

Is it OU-1 or OU-4 as the workplan for the boat ramp states?

Is it 7 acres as Katherine Hernandez stated or 13 acres as the workplan states?